IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
WRIT PETITION NO.3101 OF 2004

Smt. Sulochana w/o Dattatraya Nerkar
Residing at Flat No.4, Komal
Apartment, Bijlinagar,
Chinchwad, Pune-411 033. ...Petitioner.

V/s.

1.Union of India & Others (Through the
Secretary Ministry of Defence, South Block,
New Delhi-110 001 ...Respondents.

Shri A.P.Vanarase for Petitioner.

Mr.S.S.Pakale with Mr.S.S.Sarkar for the Respondent Nos.1 to 3.

CORAM: B.H.MARLAPALLE &
N.H.PATIL, JJ.
DATE : 14th September, 2006.

P.C.:

1. Heard Mr.Vanarase, the learned counsel for the petitioner and Mr.Pakale with Mr.S.S.Sarkar for the respondent nos.1 to 3.

2. The Petitioner is the widow of Dattatraya Nerkar who died on 23.12.1983 and from 18.5.1954 to 31.7.1975 he had served the Indian Army for a total tenure of 21 years and 92 days. In the year 1977, he joined the service of Food Corporation of India, as a watchman.

3. On 6.11.1996, the respondents issued P.P.O. to

the petitioner and the family pension amount was fixed at Rs.375/- per month. She made representations from time to time and the pension amount was revised to Rs.1275/- per month with effect from 27.07.2001 till her widowhood. The petitioner had claimed that for the period 23.12.1983 to 30.06.1992 she was entitled for the family pension to be paid by the respondents. In the affidavit-in-reply filed on behalf of the respondents, this is not disputed and it has been stated in paragraph 5 of the affidavit-in-reply that petitioner's claim for arrears of ordinary army family pension for the period from the death of her husband, i.e., from 23.12.1983 to 30.06.1992 could be considered provided, she deposits with sanctioning authority total amount drawn by her on account of civil family pension under P.P.O.No.DL2521. The learned counsel for the petitioner on instructions states that the petitioner is willing to comply with this requirement.

4. If the petitioner deposits with the sanctioning authority total amount of civil family pension under P.P.O.No.DL2521 for the period 23.12.1983 to 30.06.1992 within a period of six weeks from today, we redirect the respondents to clear the arrears of ordinary army family pension for the said period (23.12.1983 to 30.06.1992) as expeditiously as possible and in any case, within a

period of three months from the date petitioner deposits the amount.

5. The petition is disposed of in terms of above directions.

(N.H.PATIL,J.) **(B.H.MARLAPALLE,J.)**